

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT C. STEINER

Appeal No. 2001-1197
Application No. 09/019,137

ON BRIEF

Before FLEMING, RUGGIERO, and LEVY, ***Administrative Patent Judges.***

FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 11, all the claims pending in the instant application.

The invention relates to an address generation and modification in computer programs. See page 1 of Appellant's specification. In particular, the invention is a method of defining a pointer to a location by determining an offset of the location of the pointer from a location that the pointer is to

point to, and storing the offset as a value of the pointer in the location of the pointer. See page 2 of Appellant's specification.

Independent claim 1 present in the application is reproduced as follows:

1. A method of defining a pointer to a location, comprising the steps of:

determining an offset of a location of the pointer from a location that the pointer is to point to; and

storing the offset as a value of the pointer in the location of the pointer.

References

The reference relied on by the Examiner is as follows:

Gray et al. (Gray)	5,432,936	Jul. 11, 1995
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Rejections at Issue

Claims 1 through 11 stand rejected under 35 U.S.C. § 102 as being anticipated by Gray.

Rather than repeat the arguments of Appellant or Examiner, we make reference to the briefs¹ and the answer for the respective details thereof.

¹ Appellant filed an appeal brief on November 24, 2000. Appellant filed a reply brief on March 12, 2001. The Examiner mailed an Office communication on January 10, 2002, stating that the reply brief has been considered and entered.

OPINION

With full consideration being given the subject matter on appeal, the Examiner's rejection and arguments of the Appellant and the Examiner, for the reasons stated *infra*, we reverse the Examiner's rejection of claims 1 through 11 under 35 U.S.C. § 102.

In the appeal brief, Appellant argues that Gray discloses a base-relative offset pointer and not an auto-relative pointer as claimed by the Appellant. Appellant points out that the claim sets forth that the pointed-to location is a location offset by the value of the pointer from the pointer's own location. See page 4 of the appeal brief. Appellant argues that, in contrast, Gray teaches pointers of a data structure and point into the data structure such that the pointed-to location is offset by the value of the pointer from a base address/location of the data structure.

The Examiner's responds to Appellant's argument by stating that Gray does not disclose a base-relative offset pointer and instead does disclose an auto/self relative pointer. See page 7 of the Examiner's answer. The Examiner directs us to column 14, line 41, wherein Gray states "when the pointer is dereferenced, the address of the data member is effectively formed by the

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address of the object plus the value in field mdisp." Examiner argues that this offsets the value of the pointer. See page 8 of the Examiner's answer.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998).

We note that independent claim 1 recites

determining an offset of a location of the pointer from the location that the pointer is to point to; and storing the offset as the value of the pointer in the location of the pointer.

We also note that independent claim 5 recites

using the retrieved value as an offset from the location of the pointer to identify the location pointed by the pointer.

Similarly, independent claim 10 recites

an effector of determining an offset of a location of the pointer from a location that the pointer is to point to; and an effector of storing the offset as a value of the pointer in the location of the pointer.

Finally, independent claim 11 recites

an effector of retrieving from a location of the pointer a value of the pointer; and an effector of using the retrieved value as an offset from the location of the pointer to identify the location pointed to by the pointer.

Therefore, we find that all the claims before us require a self-relative pointer whose value is an offset from the location of the pointer itself.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See *In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Upon our review of Gray, we find that Gray teaches pointers of a data structure and point into the data structure such that the point-to location is offset by a value of the pointer from a base address/location of the data structure and does not teach Appellant's claimed invention that the pointer uses the address/location of the pointer. In particular, we note that the three elements "mdisp", "pdisp" and "vdisp" of the pointer are defined in column 13, lines 31 through 41. As taught by Gray, the dereferencing of the pointer means determining which location the pointer points to. The sentence at column 15, lines 6 through 9, is essentially saying that the pointer to the data member of an introducing class points to a location within the data structure of the introducing class that is offset by the

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value of "mdisp" from the beginning of the data structure of the introducing class. Thus, the pointer of Gray references the data structure and points into the data structure such that the point-to location is offset by the value of the pointer from a base address/location of the data structure and not the address/location of the pointer. Therefore, we find that Gray does not teach all the limitations claimed by the Appellant.

In view of the foregoing, we will not sustain the Examiner's rejection of claims 1 through 11 under 35 U.S.C. § 102 as being anticipated by Gray.

REVERSED

MICHAEL R. FLEMING)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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